

**Laboratory Certification Standards Review Council
Meeting Minutes From 5/17/2001**

Attendance

Council Members: George Bowman, Debbie Cawley, Paul Junio (Vice Chair), David Kollakowsky (Chair), Marcia Kuehl and Ruth Klee Marx (Secretary)

DNR Staff: Phillip Spranger and David Webb

Others in Attendance: Kurt Knuth, R. T. Krueger and Art Lautenbach

Summary and Action Items

At this meeting the Certification Standards Review Council:

- Approved the previous meeting's minutes;
- Were introduced to the new Environmental Science Services Section Chief, David Webb and discussed his goals for the laboratory certification program;
- Were provided an update on the status of lab audits, open cases and the audit backlog. Mr. Webb discussed the progress the Program has made to date and clarified what Council members would like to see in an audit status report;
- Discussed the scope, time frame and process for making revisions to NR 149 and how the Council fits into the process;
- Adopted a resolution declaring its interest in serving as the core of an advisory committee on NR 149 revisions;
- Were notified of Gilbert Williams' resignation from the small wastewater treatment plant seat on the Council and briefed on the process for filling this and the two other vacant council seats (the agricultural interest and solid and hazardous waste disposal facility seats);
- Discussed various informational items, including, among others: the proposed "run off" rule, NR 151; recent communications to laboratories; certain scheduled lab audits; the Program's upcoming move to a new location on Williamson and Blount Streets in Madison; recent training programs offered by Program staff; and calibration issues.
- Tentatively scheduled the next Council meeting for August 23, 2001.

Agenda Items

I. Check in/Agenda Repair

- A. Council members had no suggested changes to the agenda.

II. Approval of February 15, 2001 Meeting Minutes

- A. No corrections were made to the February 15, 2001 meeting minutes. Debbie Cawley made a motion to approve the draft minutes as presented, Marcia Kuehl seconded and the minutes were approved unanimously.

III. Introducing David Webb the New ESS Section Chief; Program Goals

- A. David Webb was hired as the new Environmental Science Services Section Chief and started his new position on March 12, 2001. Mr. Webb provided a brief history of his 10 years with DNR. He previously worked in the Bureau of Watershed Management on projects such as the Crandon mine, Fox River PCB contaminated sediments and the Great Lakes Initiative. Mr. Webb's current duties include supervising DNR's operator certification and licensing, laboratory services, laboratory certification and registration, and quality assurance programs.

Mr. Webb stated that his goal in managing the Lab Cert. Program is to keep an open dialogue with council members, key stakeholders and customers of the program. Goals and the vision for the program were laid out in LabNotes Spring 2001. Key to success will be starting to think of the Program as a business, including,

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emphasizing customer service, program accountability and communication (both external and internal). Another important theme is transparency in how the Program is run, or in other words, are procedures written down. There should be no mystery in what we do and how. This process (documenting procedures) has already started. Staff got together to inventory existing guidance to determine what we have, what we want to have, and in what form.

- B. Mr. Webb reported that after three months on the job there has been progress on improving staff communication, implementing a peer review process for Program work products, documenting systems, instilling team concepts, and incorporating staff input into Program administration.

A lot of talk has centered around how to reinstate the audit process, the extent to which we incorporate a systems approach and what can be salvaged from the Program's work on NELAC. Three weeks ago staff got together as a team to assign 12 to 15 labs for audits. A couple of on-sites have been performed and half have been scheduled.

Open cases (vs. backlog) were also identified. Some were not really open and eight were formally closed (response to the facility's response sent). The rest of the open cases will need a revisit to close. It was thought that NELAC would take care of most of these cases. Mr. Webb noted that open-case closure is a high priority.

- C. Question regarding lab auditor consistency? (This is a reference to the practice of assigning the same lab to the same auditor each time.). Mr. Webb noted that we are assigning on-site evaluations as a team, who saw the lab last is only one criterion. Other criteria include, auditor expertise and individual work loads. As the audit process is standardized, the reasons for having the same auditor are less important. There are benefits to not having the same auditor both for the facility and the auditor.
- D. Mr. Webb reported that there has been significant progress. Central office auditors are responsible for 133 labs and we want to convince everyone that we can see labs on the three-year cycle. Mr. Webb thinks we have the staff and systems (or will have soon) to meet the goal. We do have some major initiatives (e.g., NR 149) that may affect this. The priorities are to close open cases, execute the program in a quality consistent manner and at an appropriate rate to deal with the backlog and the annual audits. The regional audit program is on track and will be hitting audit goals this year. Mr. Kollakowsky stated that he would like to see audit status reports for regional audits in addition to central office audits.

Mr. Webb discussed the peer review process for audit reports. When a report is completed the auditor goes down through a list of reviewers. Ms. Kuehl asked whether the peer review process (for audit reports) slows down the process of getting reports out? It shouldn't. Reviewers have one week to complete their review and then the report goes to Mr. Webb for review and signature.

Ms. Kuehl asked what the timeline was for completing audits and getting the report to a reviewer? Mr. Webb responded that the plan is for the process to take 1 to 2 weeks. Annually, DNR Senior Auditor Alfredo Sotomayor will review a random sampling of reports for consistency. Mr. Webb noted that in the short term we might lose some consistency (due to having more than one reviewer). However, in the long term standardized report formats and team coordination should result in increased consistency. The group will regularly go over audit reports and review deficiencies cited and issues with specific tests or specific labs.

Mr. Kollakowsky asked whether there is an SOP for the peer review process? Currently, there is a memo outlining the process. Mr. Junio asked whether the peer review process is in place for both central office and regional audits? Right now it covers only central office audits. The regional program is meeting next week and we hope to have a peer review process there as well. DNR Regional Audit Coordinator Rick Mealy reviews regional reports but not until after they are distributed to the facility. We are looking into the logistics of the process and realize we need to do the review and approval electronically.

- E. Mr. Webb emphasized the Program's primary goal right now is to administer the audit process. Other short-term goals include, closing open cases, drafting guidance documents, updating the yellow and green books and consolidating guidance documents where possible.

Medium-term goals include, building better relationships with stakeholders and keeping an open dialogue. NR 149 revisions will begin in the 6 months to 1 year time frame. We will also look at how to include a systems

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approach to auditing. Do we repackage what we already are doing? Or build additional systems components into our existing process?

In the long term, we will work towards flawless execution, continue to innovate ways of doing business, and keep brainstorming ideas to increase efficiency. We will also monitor the pulse of NELAC: where it's at, where it's going and where we fit in.

IV. Audit Status

- A. Council members were provided an "Audit Priority Report" prior to the meeting that lists all active labs and the priority for each laboratory's next audit. Mr. Webb asked whether the report format was what the Council wants to see and noted that the "priority" column is the main factor used in scheduling audits. Mr. Junio suggested adding the city and state in which the lab is located. Mr. George Bowman would like to see applications added. Council members indicated that they want to see a quarterly progress report and then annually look at a full set of reports on audits, open cases and the audit backlog, like the reports distributed at the Feb. 2001 Council meeting.
- B. Mr. Bowman asked about the status of the City of Milwaukee Public Health Lab's application for drinking water certification, noting that the lab was not on the priority list for an audit. Mr. Webb stated that the lab's application had been expired. At this point in time, the case is considered closed.

V. Other Business: Informational Items From David Webb

- A. *Communicating with laboratories.* Mr. Webb discussed the program's recent mailing to labs regarding testing for total suspended solids (TSS) as an example of how guidance is developed and disseminated. The letter describes how the Program audits TSS and how deficiencies are identified.

Ms. Cawley asked whether it was possible to survey labs for current e-mail addresses, noting how important it was to have the "right" contact person. Often mailings go to a "head" person and don't trickle down to those in the organization that really need to know the information.

R.T. Krueger wondered whether the program should annually survey labs to update addresses/e-mails noting that some people may miss interim guidance. Would an annual mailing of current regulations be a good idea? Should labs be required to acknowledge receipt? Mr. Junio thought we might need an annual "authoritative source" for regulations that labs are responsible for knowing and understanding. This would eliminate the need for monthly mailings every time there was a change.

- B. *Lab Survey.* Mr. Webb informed the Council that we will likely be providing audited facilities with a survey at the exit interview. The survey would gather information about how the audit went from the lab's perspective (timeliness and professionalism of the auditor, etc.) to help hold ourselves accountable. Mr. Junio will get a survey used by ACIL for NELAC audits to use as an example. One question could be: How can we reach you?
- C. *NR 151 Wis. Adm. Code.* The Department is in the process of promulgating NR 151. The Rule is referred to as the "runoff rule" and it governs the application of nutrients on crop fields. The DNR Runoff Program and DATCP want farmers to get "good" data for field fertility rates to avoid over-application of fertilizers, which can result in excess nutrient runoff into streams, lakes and wetlands. The public comment period is over and the rule will go to the Natural Resources Board this fall. The rule requires farmers to use labs certified under NR 149 or the Farm Services Agency or both when testing soil nutrient content. The Council has a role to review new areas of testing (it's a new covered program). Mr. Bowman noted that NR 219 (wastewater methods) excludes nutrient testing. Mr. Junio noted that NR 149 specifically does not address testing of soil.

Mr. Webb noted that the recommended method is "Bray 1", published by the UW-Extension. The method determines available phosphorous. The bottom line is that there are potentially thousands or even millions of samples involved.

Mr. Junio wondered how to get a copy of NR 151. Russ Rassmussen is the DNR section chief responsible so it would be best to call him. Greg Pils is taking the lead on this issue for the Lab Cert. Program. The Council will be kept informed.

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- D. Mr. Webb informed that he met with DATCP staff recently and will try to keep a dialogue open. They talked about the need for the Lab Cert. Program to audit the DATCP lab. They are the only lab never to have been audited. They want to remain certified and know they need to be audited but they are still working on their QA manual. Within the next six months to a year we hope to get the audit done.
- E. The Environmental Task Force lab (UW-Stevens Point) is scheduled for an audit for June 20.
- F. The Program has hired an intern to work on guidance for the reference sample program over the summer.
- G. The Science Services Bureau is moving to a new location on Williamson Street, Madison, in mid-July.

VI. Discussion of NR 149 Revisions

- A. Mr. Junio handed out a list of WELA suggestions for NR 149 revisions and noted the authors were mainly Paul Harris and himself. The document is meant to be a starting point. It's not a WELA policy.
- B. Mr. Kollakowsky asked how significant a change we are looking at? Mr. Webb responded that we still need to determine when we start, how much we change and how to get representation (advisory committee, council, etc.). We will likely "pink sheet" the rule within the next couple of months. This notifies the Natural Resources Board that the Program plans to begin work on rule revisions. Then we need to begin to form a committee. Approximately 6-8 months after the pink sheet we would "green sheet" the rule (spring 2002) and go to public hearings. It will take approximately 12-18 months for the entire process. It is quite likely that Diane Drinkman will take the lead on coordinating NR 149 revision.

Mr. Webb noted that when we open up the code, it's open; anything can be changed. At least half of the code may need modification, including; test categories, method requirements, audit process, quality assurance and enforcement. It's a "medium-sized" change.

- C. The big question is representation. If not for the council we would probably have to put together an advisory committee (AC). Mr. Webb asked whether there should be an AC? Or, should the council be the AC? Noting that this would require more meetings, longer meetings or entire meetings dedicated to NR 149 revisions.

Mr. Kollakowsky observed that during the effort to implement NELAC the AC process didn't work out real well. The committee was too large. He also noted that one problem with the current Council acting as an AC is that it is missing too many representatives, especially now that the small wastewater treatment plant seat is vacant. It was noted that the agricultural interests seat may be easier to fill with the advent of NR 151, which requires farmers to use a certified laboratory for soil nutrient testing (discussed above).

Ms. Cawley noted that the Wisconsin Wastewater Operators Association might be a good forum for recruiting a representative for small WWTPs. She also noted that it is easier for some Council members to keep in touch with their constituencies than others.

A straw poll found that Council members unanimously prefer that the Council take the lead on an Advisory Committee for NR 149 revisions. Mr. Kollakowsky forwarded the following resolution:

"Resolution that the council serve as the core of an advisory committee to changes in NR 149, since the council represents the majority of affected parties."

The resolution was adopted unanimously.

- D. Mr. Webb reminded the Council that state statutes require the Wisconsin Lab Cert. Program to be as similar as possible to the national program. Mr. Bowman questioned whether it is prudent to put much effort into NELAC since the Department is no longer pursuing NELAC recognition? Mr. Webb replied that we will keep our finger on the pulse of NELAC, but will not put too much energy into it. We will try to use the "good stuff" from NELAC. Mr. Kollakowsky noted that we should be consistent with other states with an eye towards reciprocity.

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- E. Mr. Kollakowsky questioned how Council members can get information on rule revisions out to the their various constituencies? He felt that we needed to inform labs and the public about the upcoming rule revisions. Ms. Kuehl noted that when NR 149 was initially promulgated the Department held meetings around the state. Mr. Webb responded that public hearings will be held after the rule is green sheeted. Mr. Kollakowsky wondered whether some people will wish they were brought in earlier? Mr. Webb responded that if there is dissension at the board meeting we could be sent back to committee. We definitely want to get input before that.

VII. Council Vacancies

- A. Phillip Spranger informed the Council that Gilbert Williams, the Council representative for small wastewater treatment plants, has resigned his seat on the Council. There are now three vacancies on the Council: small wastewater treatment plant (< 5 mgd), agricultural interests and solid and hazardous waste disposal facility.
- B. Mr. Webb indicated that finding a small wastewater treatment plant representative is his top priority. Mr. Junio related that Ed Trieck had recommended someone for this seat to the Department of Administration. Ms. Cawley felt that the Wisconsin Wastewater Operators Association newsletter, *The Clarifier*, would be a good forum for recruiting for this seat. She will try to get an article in the next issue.
- C. Mr. Webb noted that the agricultural interests seat might be easier to fill with the advent of NR 151, the runoff rule (discussed above). Mr. Kollakowsky has been trying to contact people in the solid and hazardous waste management industry (WMI, Superior, etc.) to try to get a nominee for that seat.
- D. Council members wondered whether they would have problems putting together a quorum with all the vacancies. Is a quorum a majority of the appointed members (currently six) or a majority of the total number of Council seats (nine)? Mr. Spranger will research this question.

VII. Other Business: Council Member Items

- A. Mr. Junio related that there was discussion at the recent WELA meeting regarding a training program George Bowman and Rick Mealy (Lab Cert. auditor) were holding in Minnesota. WELA would prefer not to see auditors going out of state and if they do we should be fully reimbursed. Mr. Junio stated that WELA was not looking for a response, they just want to communicate that they think it doesn't make sense. Mr. Webb replied that he thinks they will get a lot of Western Wisconsin labs attending and while they will not be getting reimbursed for their time they will be reimbursed for mileage.

Mr. Bowman replied that he will probably use vacation time and noted that it was an existing training program. He added that if we make a good faith effort to help Minnesota it might help as we re-negotiate the reciprocity agreement between the two states. Minnesota has not been happy with Wisconsin's lack of auditing. There has been a lot of discussion on this issue and it is not taken lightly.

- B. Mr. Bowman inquired about Madison Metropolitan Sewerage District's recent decision to use a different method of calibrating their instruments for certain tests. A higher order calibration procedure was proposed that also involves weighting. They requested that the Department review their proposed methodology to make sure it met our requirements and was good science. We had meetings with them to look at the science and the Department asked many questions. They have answered those questions and we are drafting an acceptance letter.

Mr. Kollakowsky noted that his lab did a similar thing when it sought Department approval to use a quad fit calibration on their IC.

VIII. Future Meeting Dates

- A. The next Council meeting was tentatively scheduled for Thursday, August 23, 2001, time and location to be announced. Please forward agenda items through Phillip Spranger (608/267-7633 or spranp@dnr.state.wi.us) for the consideration of the Council officers. Some ideas for agenda items for the next meeting were: Audit status, NR 149 revisions and progress report on filling vacant Council seats.
- B. A motion to adjourn was made by Ms. Cawley, seconded by Mr. Junio and carried unanimously.